



APPLICATION ACCEPTED: April 19, 2012
BOARD OF ZONING APPEALS: July 11, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 4, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-DR-019

DRANESVILLE DISTRICT

APPLICANT: Stephen Cole

OWNERS: Stephen and Cristine Cole

SUBDIVISION: Devon Park

STREET ADDRESS: 1814 Opalocka Drive, McLean 22101

TAX MAP REFERENCE: 30-4 ((24)) 20

LOT SIZE: 10,545 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-918

SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit within a new dwelling.

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-DR-019 for the accessory dwelling unit, subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\bcho00\SP\Jul 11 - SP 2012-DR-019 (Cole)\staff_report.doc

B. Cho



It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

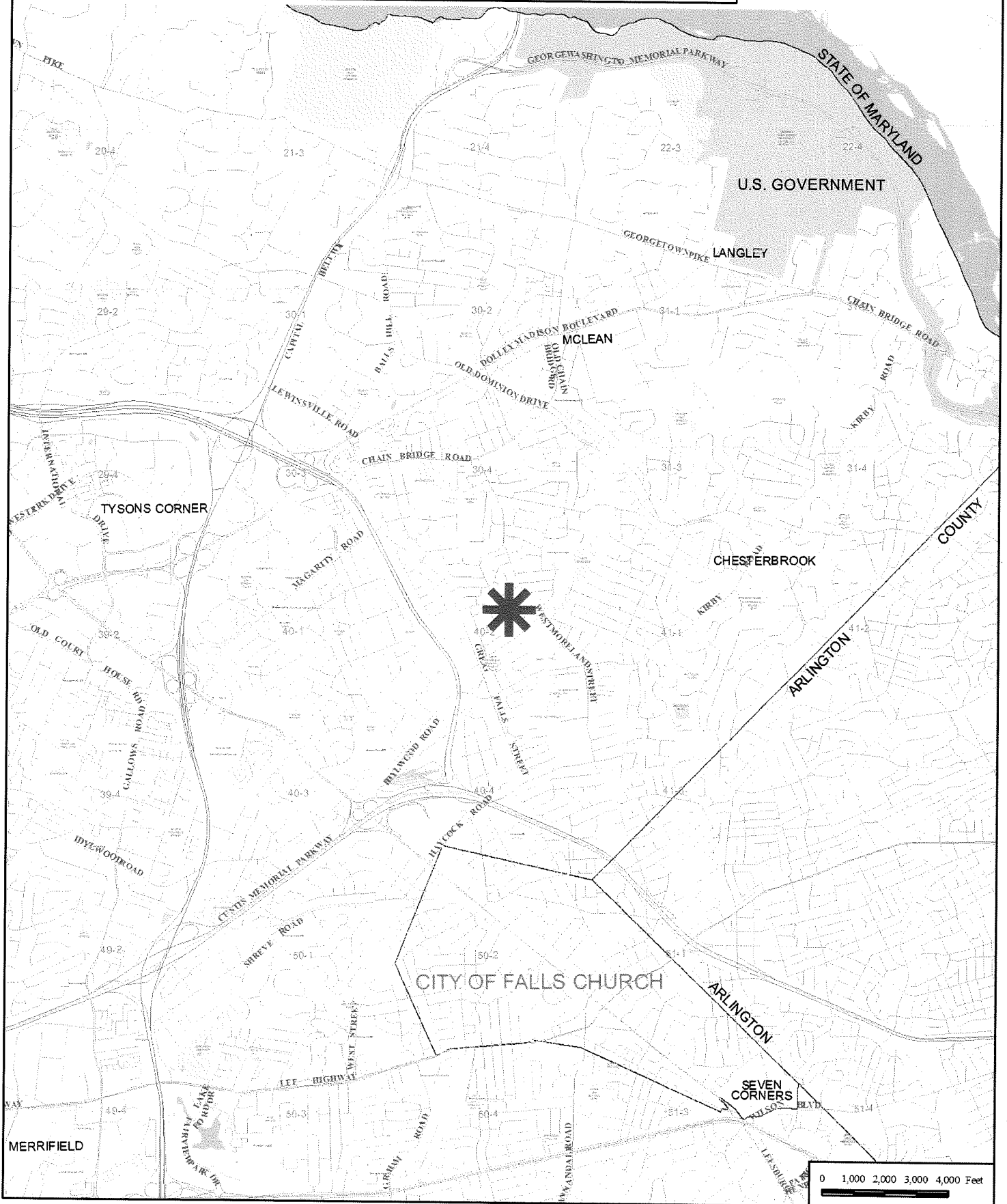


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2012-DR-019

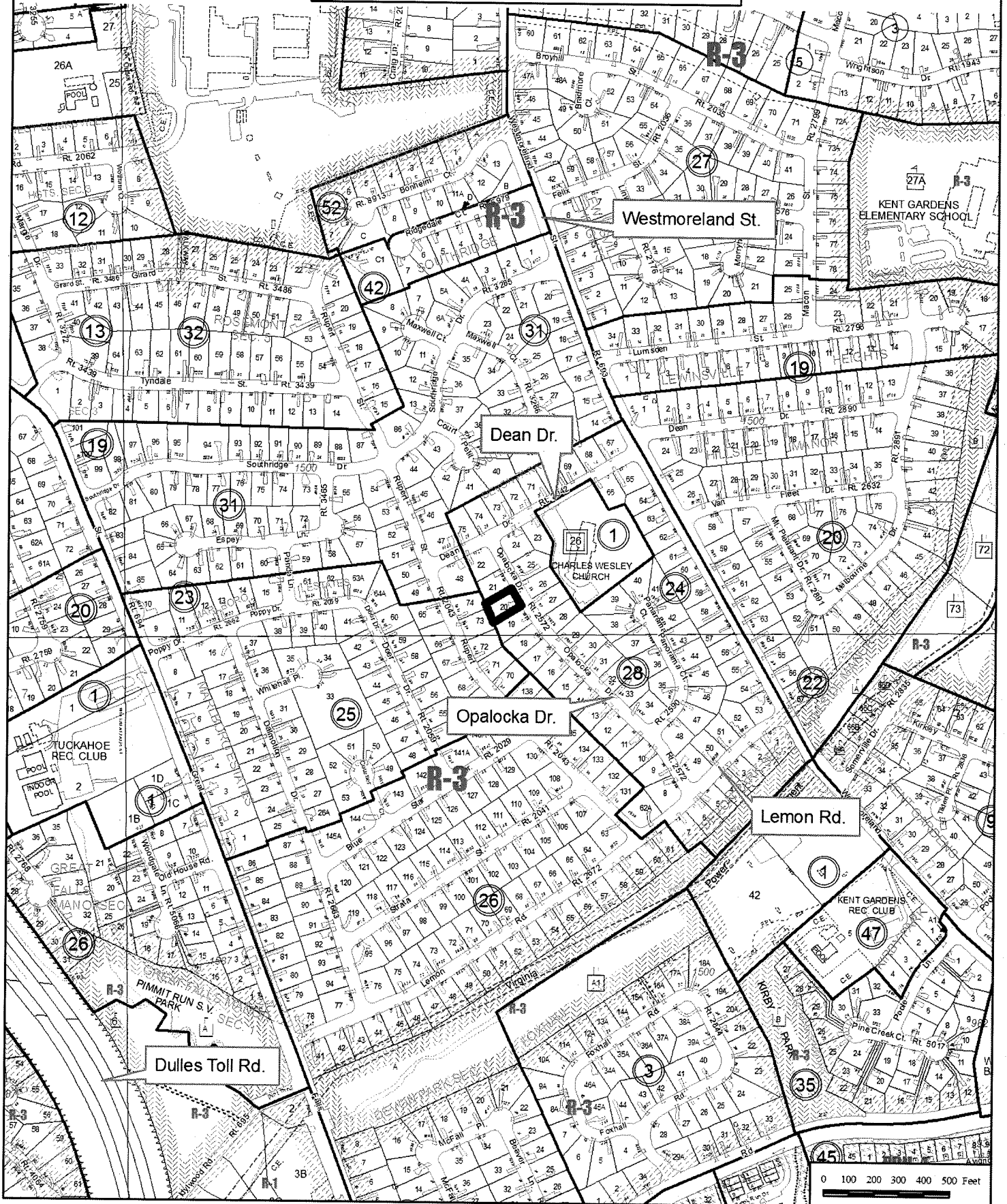
STEPHEN COLE



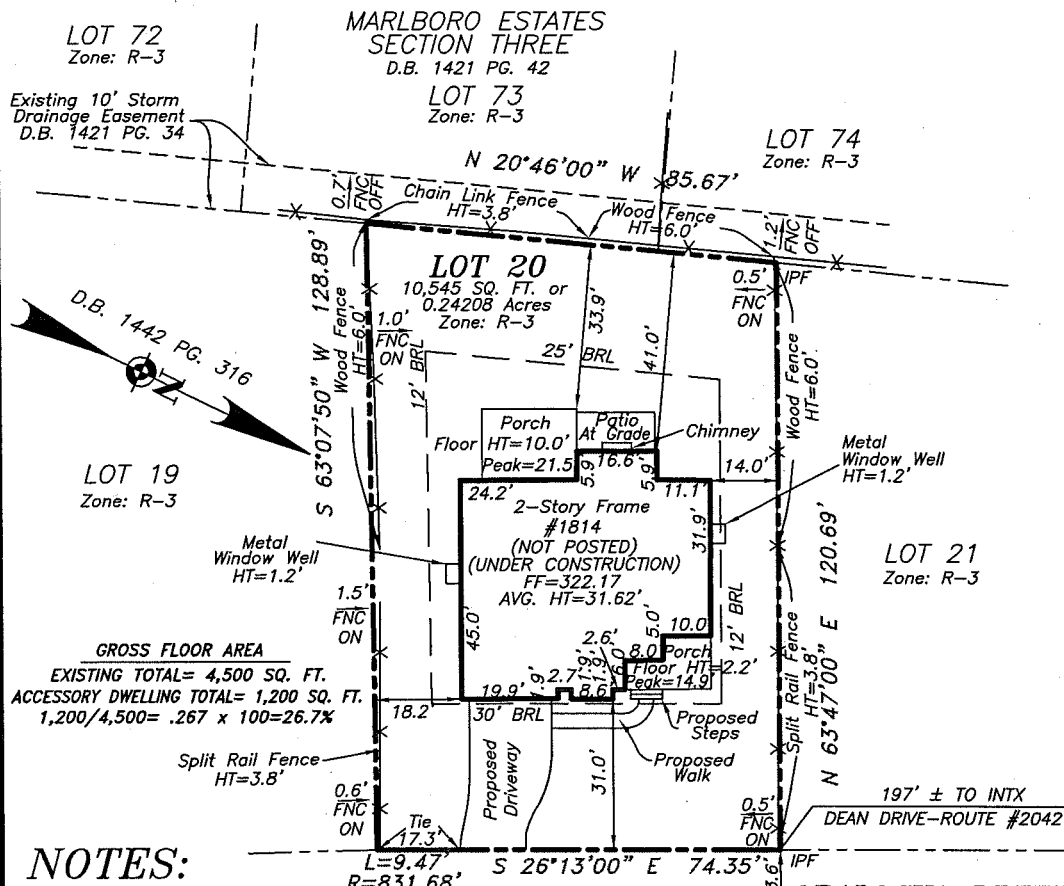
Special Permit

SP 2012-DR-019

STEPHEN COLE



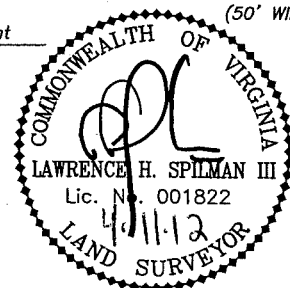
THIS SPECIAL PERMIT PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF FENCES OR ANY OTHER IMPROVEMENTS. FENCES SHOWN HEREON ARE APPROXIMATE AND ARE NOT TO BE USED FOR DETERMINATION OF PROPERTY LINES.



NOTES:

1. CURRENT OWNER: STEPHEN P. AND CRISTINA M. COLE, D.B. 21777 PG. 2103.
2. THIS PROPERTY IS CLASSIFIED AS ZONE X, AN AREA OF MINIMAL FLOOD HAZARD IN ACCORDANCE WITH FLOOD HAZARD BOUNDARY MAP NO. 51059C0170E.
3. BEARINGS BASED ON THE RECORD PLAT OF SECTION THREE, DEVON PARK, D.B. 1442 PG. 316.
4. IPF: DENOTES IRON PIPE FOUND.
5. THIS SURVEY IS A GRAPHIC DEPICTION OF THE LOCATION OF IMPROVEMENTS ONLY. NO CORNER MARKERS SET.
6. RESIDENTIAL USE - 2 CAR WIDTH DRIVEWAY & 2 CAR GARAGE PARKING
7. NO WELL OR SEPTIC FIELD ON SITE.
8. THERE ARE NO UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE, AND NO MAJOR UNDERGROUND UTILITY EASEMENTS REGARDLESS OF WIDTH ON SITE.
9. PROPERTY NOT IN ANY OVERLAY DISTRICT.
10. THIS PROPERTY IS CURRENTLY UNDER CONSTRUCTION PER APPROVED GRADING PLAN DATED 12/06/11, PLAN #25265-INF-002-1.
11. NO ADDITIONAL LAND DISTURBANCE OR CONSTRUCTION WILL BE REQUIRED AS PART OF THIS SPECIAL PERMIT PLAT.
12. BRL: DENOTES BUILDING RESTRICTION LINE AS SHOWN ON SUBDIVISION PLAT.

OPALOCKA DRIVE-
ROUTE #2572



I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY ELECTRONIC EQUIPMENT AND/OR TRANSIT-TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

SPECIAL PERMIT PLAT
LOT 20
SECTION THREE
DEVON PARK
DEED BOOK 1442 PAGE 316
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30'

DATE: 03/27/12

REV: 04/11/12

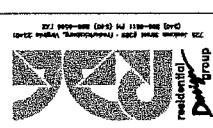
DRAWN:
JRM/RMA

CHECKED:
LHS

LAND SURVEYING & CIVIL ENGINEERING
2890 EMMA LEE STREET SUITE 200
FALLS CHURCH, VIRGINIA 22042
703 • 241 • 5515 • FAX • 703 • 241 • 5516

GENERAL NOTES:
 UNLESS SPECIFIED HEIGHT TO BE 4'-0" ON GRADE OTHERWISE
 (NOTED)

NOTES:
 ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 ALL DIMENSIONS IN PARENTHESES ARE TO BE
 PLUMBED FROM FACE OF THE FOUNDATION.
 ALL DIMENSIONS OF ROOF SHALL BE TO FACE OF THE ROOFING AND FINISHED
 FOR CASE OF THE ROOF FINISH.

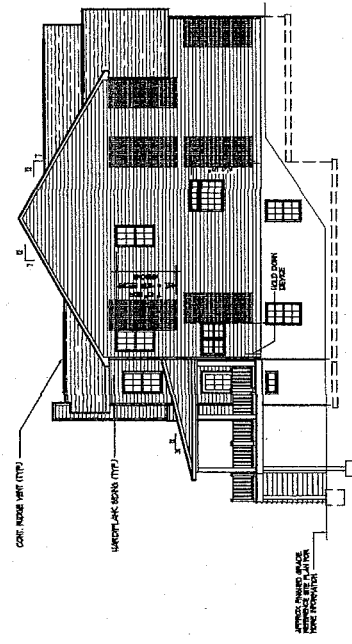


DATE: 05/24/2018
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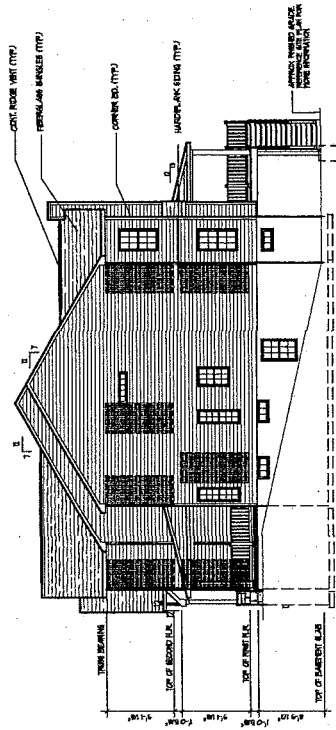
NDI NEW
 AFFORDABLE CUSTOM HOMES
 INC.
 10627 GASLIGHT WAY
 SUITE 201
 MANASSAS, VA 20108
 PHONE: 703-361-1603

2
 SHEET

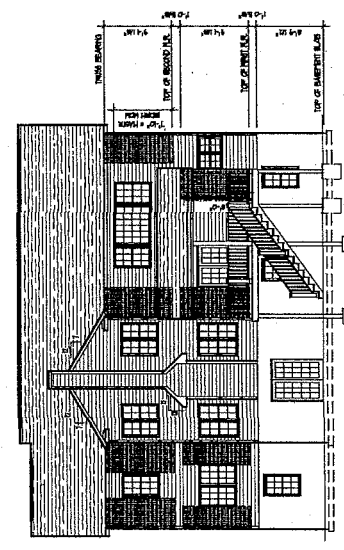
COLE RESIDENCE
FAIRFAX COUNTY
VIENNA MODEL



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION



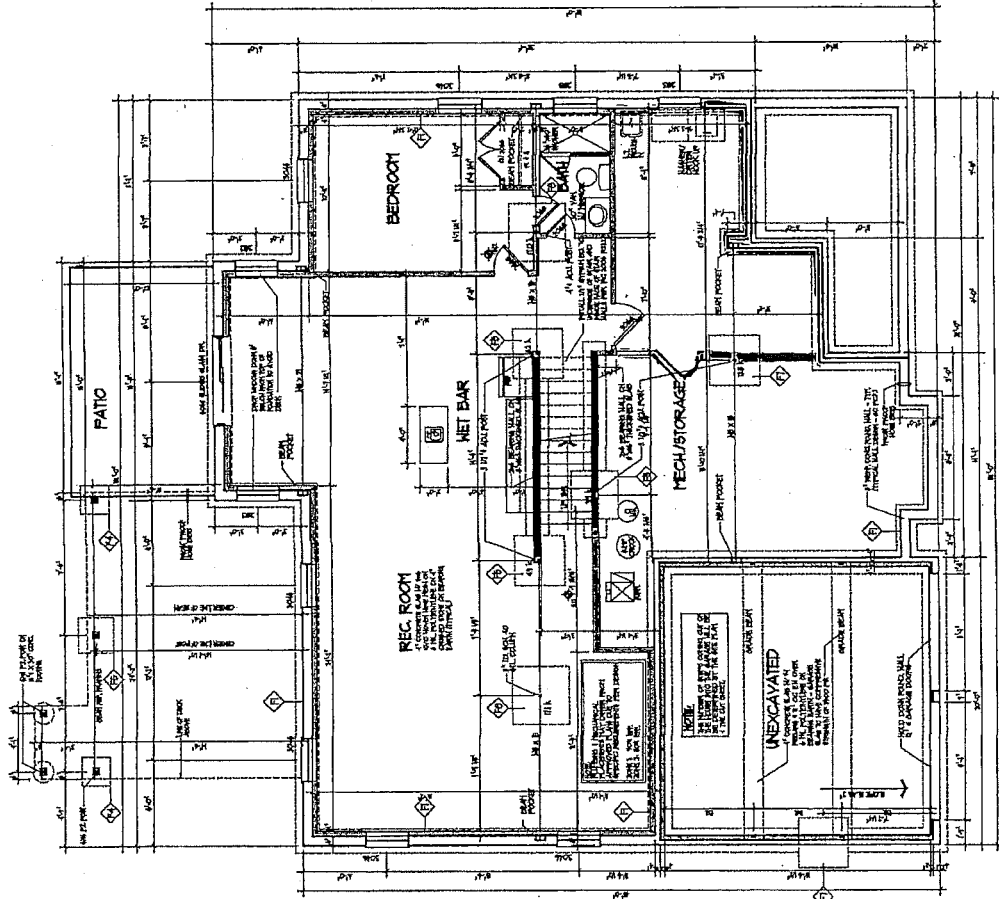
DATE: 02/20/04

REVISIONS:

1. REVISIONS
2. REVISIONS
3. REVISIONS

STANDARD FOOTING SIZES	
FOOTING TYPE	MINIMUM SIZE
1. 12" x 12" x 12"	1000 P.S.F. OR ABOVE
2. 12" x 12" x 12"	1000 P.S.F. OR ABOVE
3. 12" x 12" x 12"	1000 P.S.F. OR ABOVE
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99. 12" x 12" x 12"	1000 P.S.F. OR ABOVE
100. 12" x 12" x 12"	1000 P.S.F. OR ABOVE

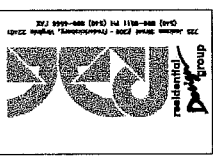
GENERAL NOTES:
1. FOUNDATION SHALL BE CONCRETE ON PILES SHALL BE SPACED
TO MATCH FOR ALL ROOMS AND WALLS.



FOUNDATION PLAN

GENERAL NOTES:
 1. UNLESS NOTED OTHERWISE
 (NOTES)

DATE: 05/20/2018
 DRAWN BY: J. J. JONES
 CHECKED BY: J. J. JONES
 APPROVED BY: J. J. JONES

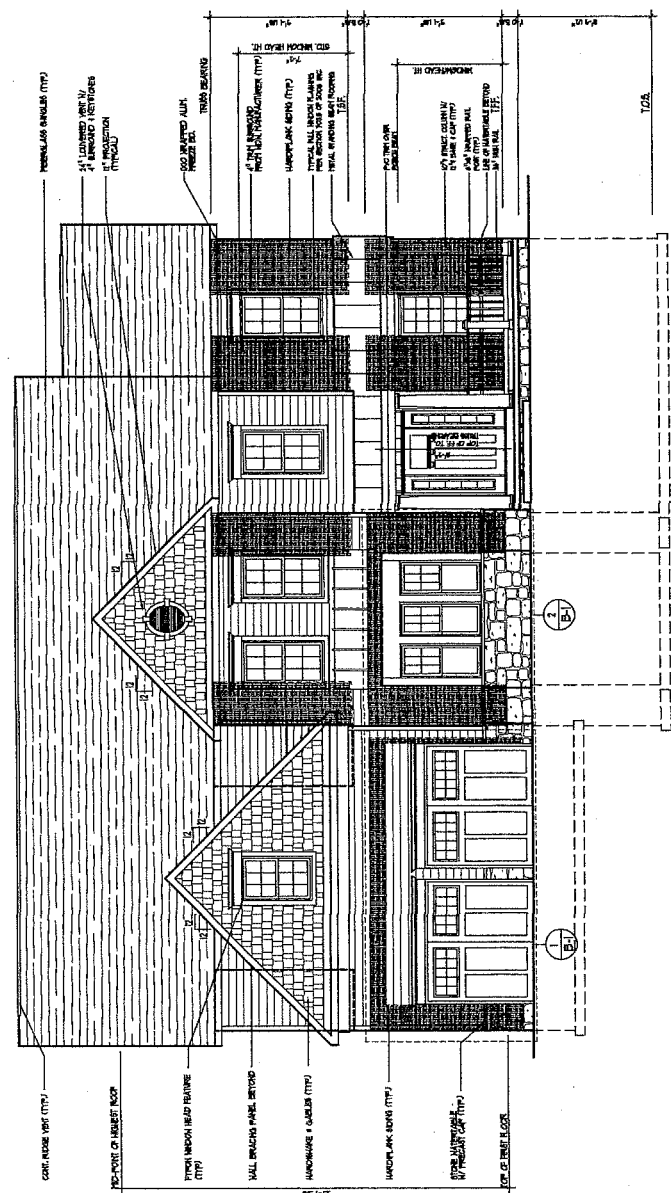


NDI NEW DIMENSIONS
 AFFORDABLE CUSTOM HOMES
 PHONE: 705-261-1603
 10687 GARDENS WAY
 SUITE 201
 MARKHAM, ON L3R 9V7

COLE RESIDENCE
 FAIRFAX COUNTY
 VIENNA MODEL

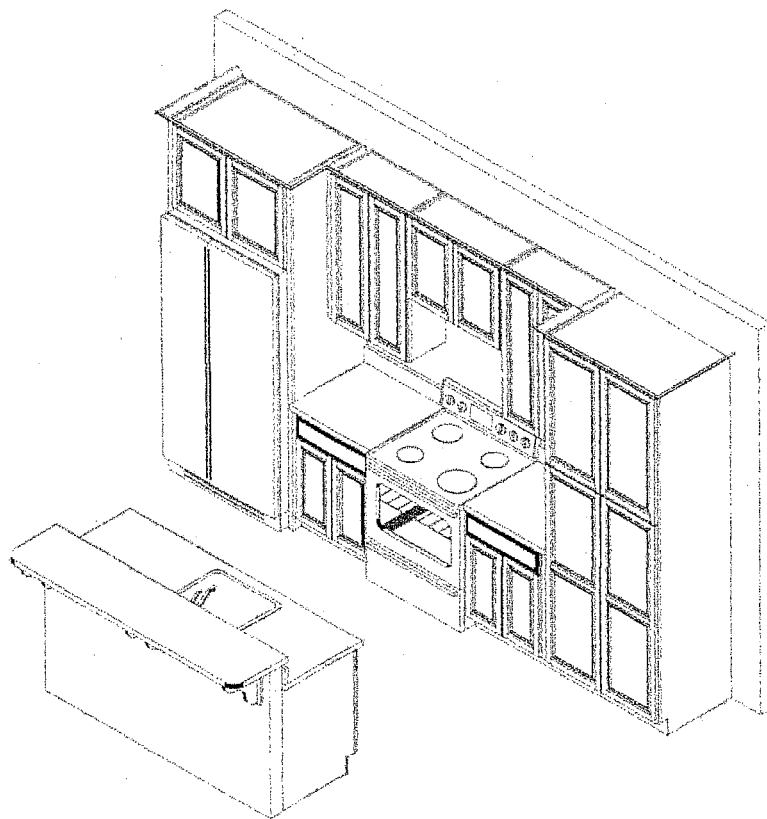
SHEET 1

REDUCE NOTED SCALE BY 50%
 FOR 11x17 SHEET SIZE



FRONT ELEVATION #1

NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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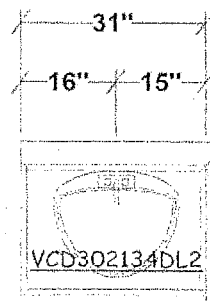
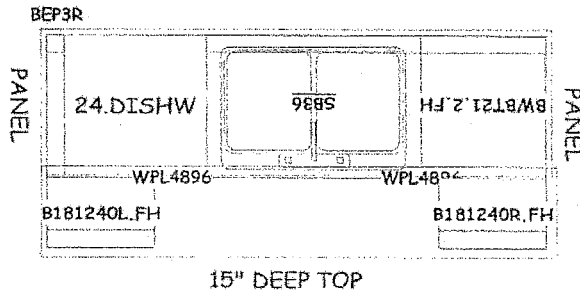
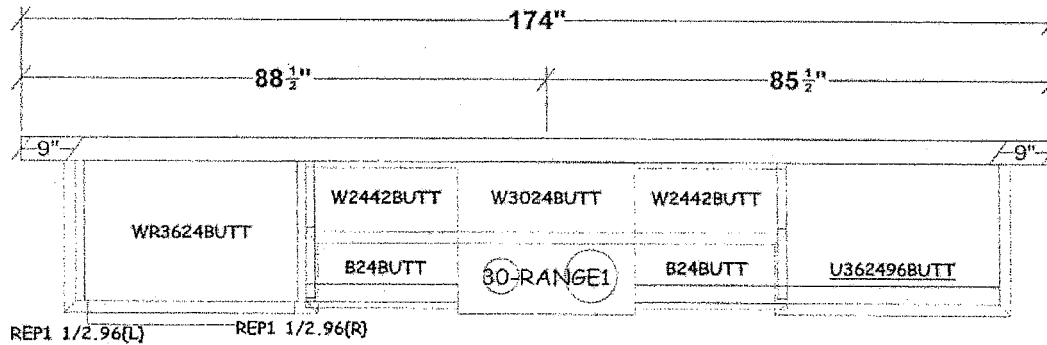


Note: This drawing is an artistic interpretation of the general appearance of the design. It is not meant to be an exact rendition.

Designed: 11/8/2011
Printed: 11/8/2011

NEW DIMENSIONS INC.
ESTATE SERIES
VIENNA HOUSETYPE
BASEMENT WET BAR AND BATH

COLE RESIDENCE
V1 - 11/08/2011
V2 - 1/16/2012



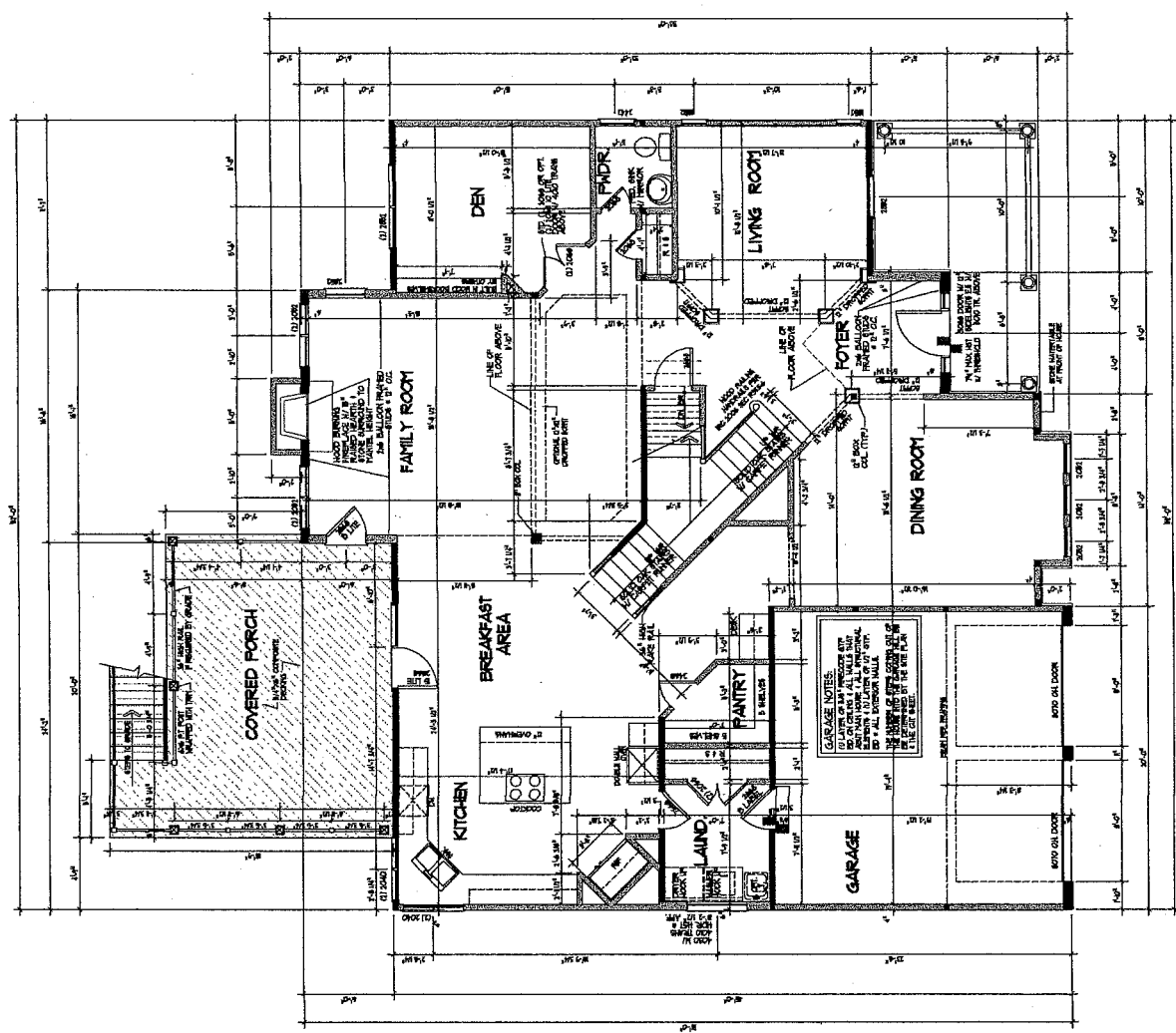
All dimensions, size designations given are subject to verification on job site and adjustment to fit job conditions.

MIDSOUTH

This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

Designed: 1/16/2012
Printed: 1/16/2012

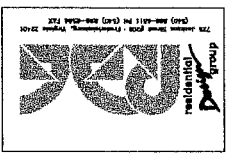
- GENERAL NOTES:**
1. FLOOR FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL BUILDING CODE.
 2. EXPOSED STRUCTURES (AND ALL EXPOSED PLUMBING) SHALL BE FINISHED TO MATCH THE FINISHES OF THE INTERIOR SURFACES.
 3. ALL EXPOSED STRUCTURES SHALL BE FINISHED TO MATCH THE FINISHES OF THE INTERIOR SURFACES.
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 10. ALL EXPOSED STRUCTURES SHALL BE FINISHED TO MATCH THE FINISHES OF THE INTERIOR SURFACES.



FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

DATE: 02/19/2018
DRAWN BY: J. J. JONES



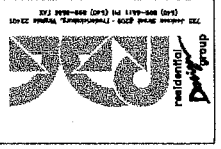
220 Madison Avenue, New York, NY 10017
(212) 512-2000

NDI NEW DIMENSIONS INC.
10067 GARDENS WAY
FAIRFAX COUNTY, VA 22031
PHONE: 703-561-1805

COLE RESIDENCE
FAIRFAX COUNTY
VIENNA MODEL

3

DATE: 03/29/01
 PROJECT: FAIRFAX COUNTY
 DRAWING: 2ND FLOOR PLAN

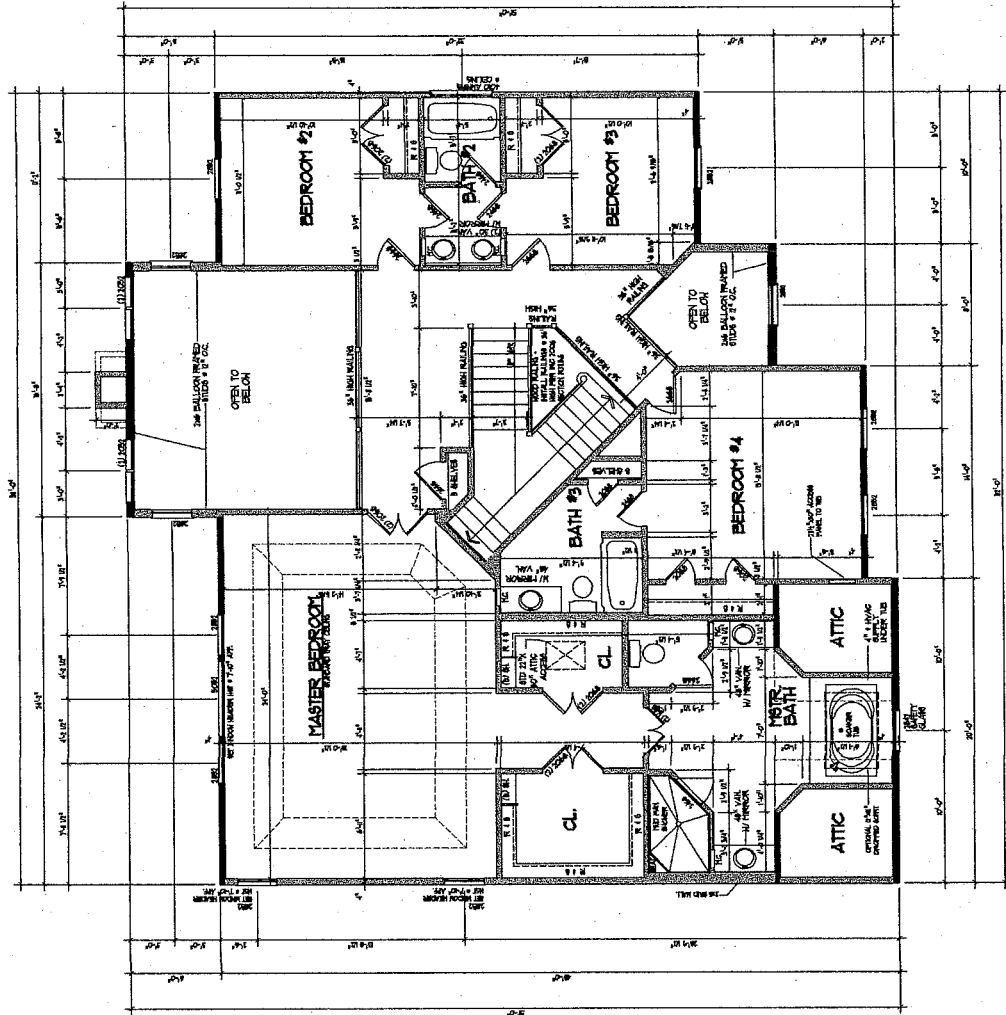


NDI DIMENSIONS, INC.
 AFFORDABLE CUSTOM HOMES
 10687 GASKINS WAY
 SUITE 201
 MANASSAS, VA 20108
 PHONE: 703-361-1805

COLE RESIDENCE
 FAIRFAX COUNTY
 VIENNA MODEL

4

- GENERAL NOTES:**
1. PROVIDE DIMENSIONS (SLOPE) AS SHOWN ON PLANS SHALL BE MINDED TOGETHER FOR ENLARGEMENT ACTIVATION.
 2. PROVIDE DIMENSIONS FOR EACH ROOM.
 3. PROVIDE DIMENSIONS FOR EACH ROOM.
 4. ALL DIMENSIONS SHALL BE IN FEET AND INCHES.
 5. ALL DIMENSIONS SHALL BE IN FEET AND INCHES.
 6. ALL DIMENSIONS SHALL BE IN FEET AND INCHES.
 7. ALL DIMENSIONS SHALL BE IN FEET AND INCHES.
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 9. ALL DIMENSIONS SHALL BE IN FEET AND INCHES.
 10. ALL DIMENSIONS SHALL BE IN FEET AND INCHES.



SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"



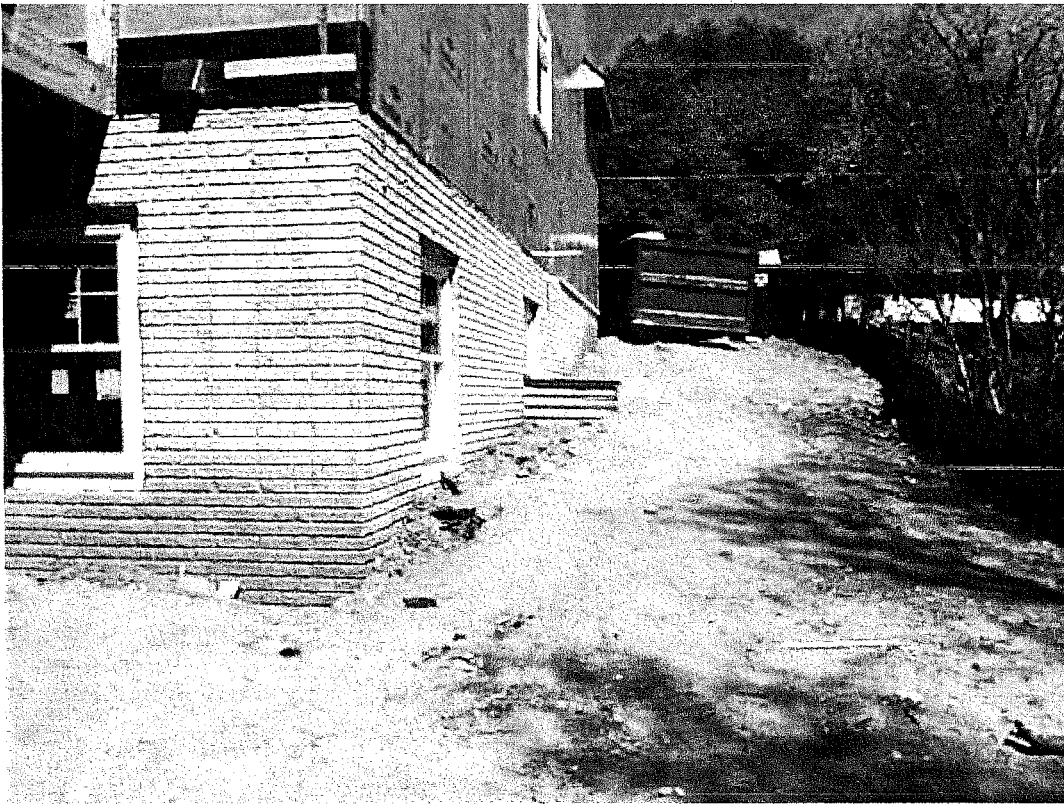
4/13/12

Rear of house.



4/13/12

Rear of house.



4/13/12

Southern side yard facing East.



4/13/12

Southern side yard facing West.



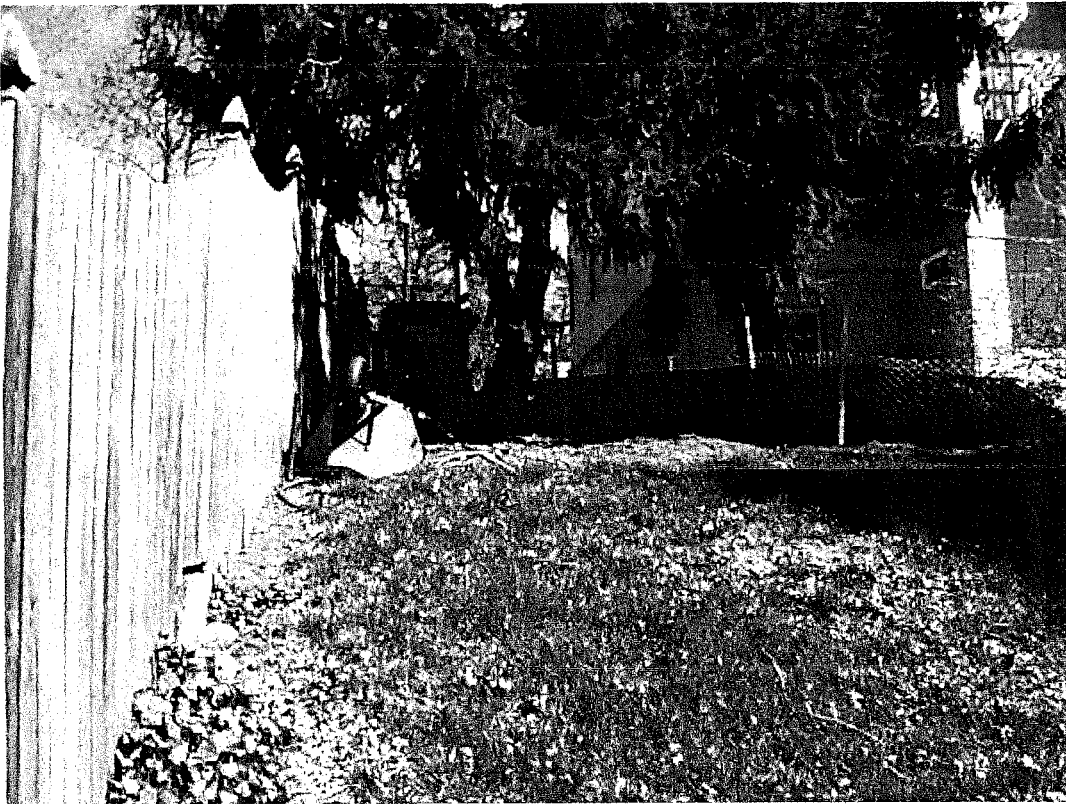
3/1/12

Front left corner of property
facing West.



3/1/12

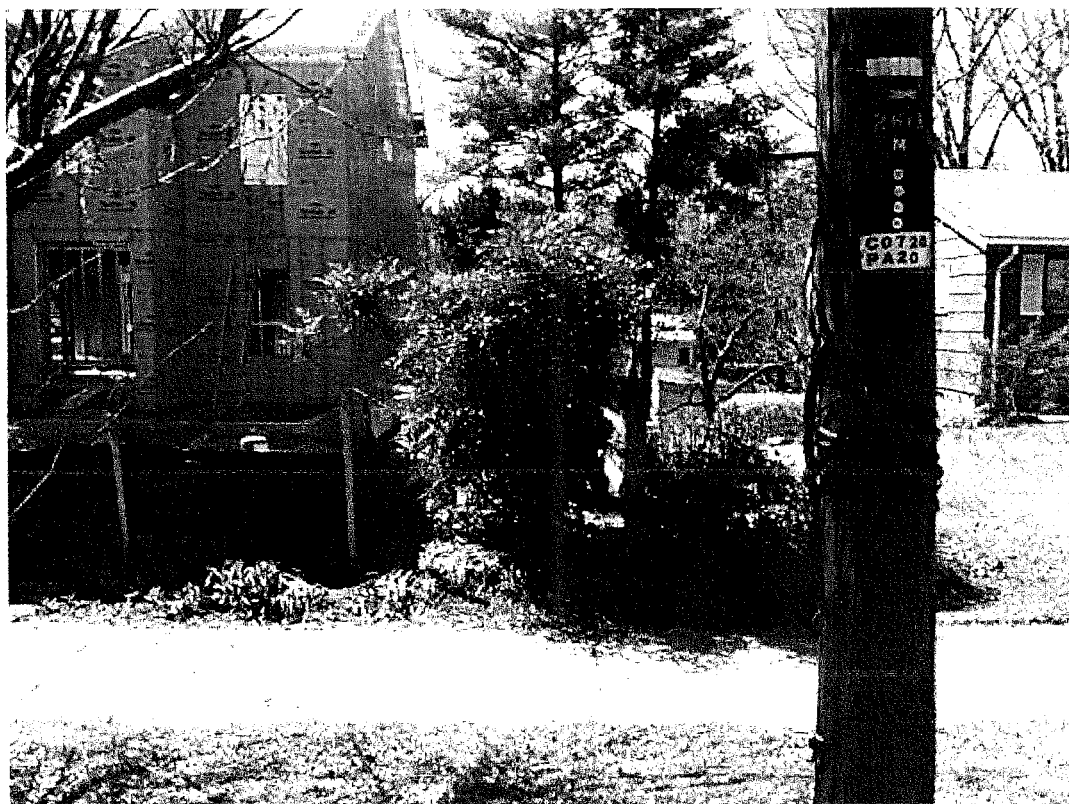
Front left corner of property
facing North.



← Rear of house

3/1/12

Right - Rear corner of lot
facing East.



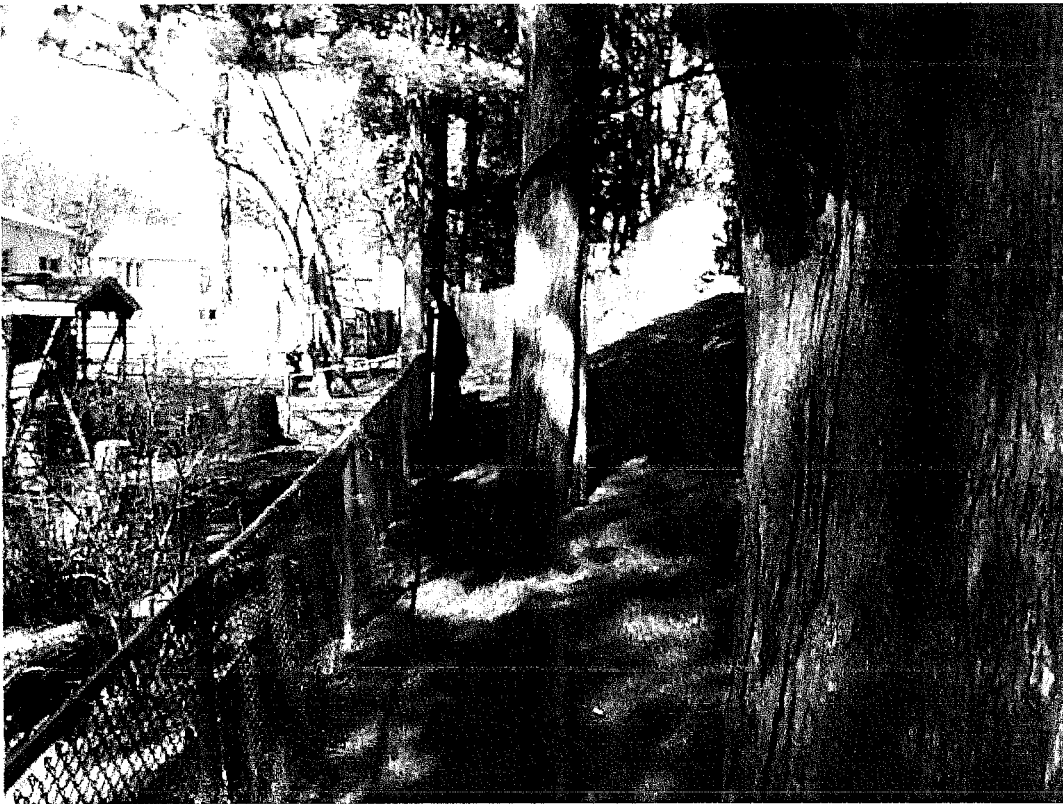
3/1/12

Front right corner of property
facing West (including closest
utility pole).



3/1/12

Right-side property line
facing West.



3/1/12

Left - Rear Corner of lot
facing North.



3/1/12

Rear yard facing North-West.



3/1/12

Left - Rear corner of lot
facing East.



3/1/12

Rear-right corner of yard
facing West



4/9/12
Abutting property facing South
from front of lot.

RECEIVED
Department of Planning & Zoning
APR 13 2012
Zoning Evaluation Division



4/9/12

Abutting Property facing
North from front of lot.

RECEIVED
Department of Planning & Zoning
APR 13 2012
Zoning Evaluation Division



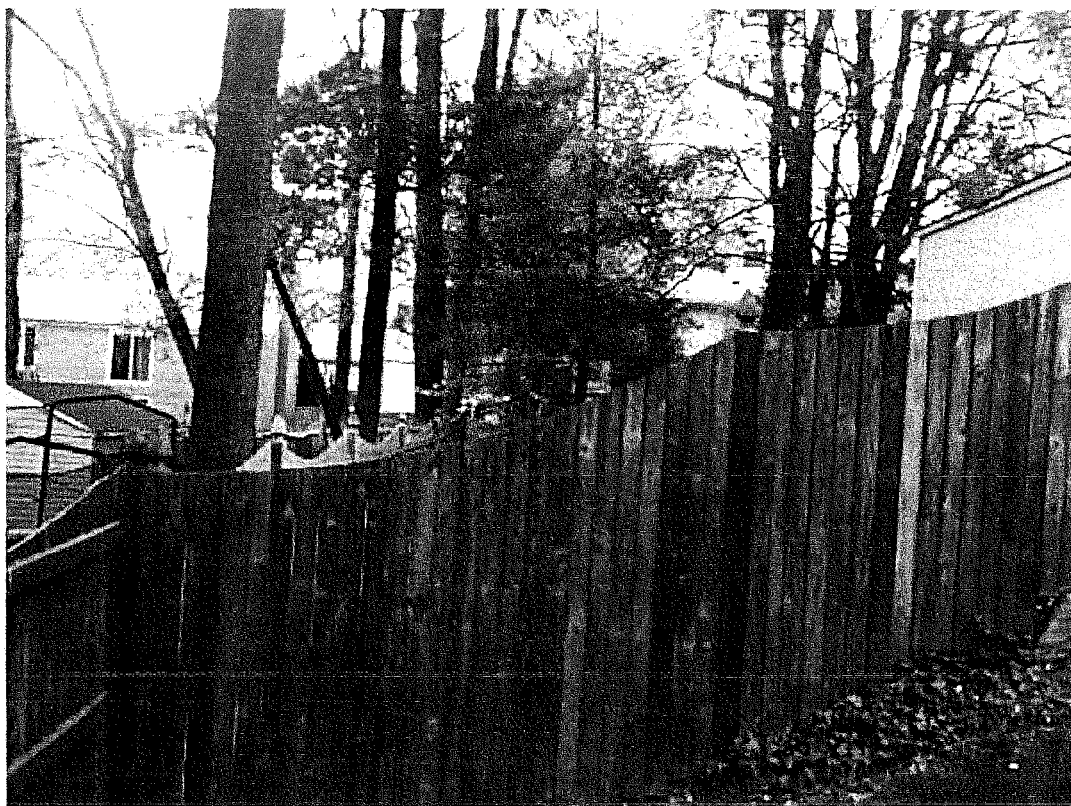
4/9/12

Abutting property facing
West from rear of lot.

RECEIVED
Department of Planning & Zoning

APR 13 2012

Zoning Evaluation Division



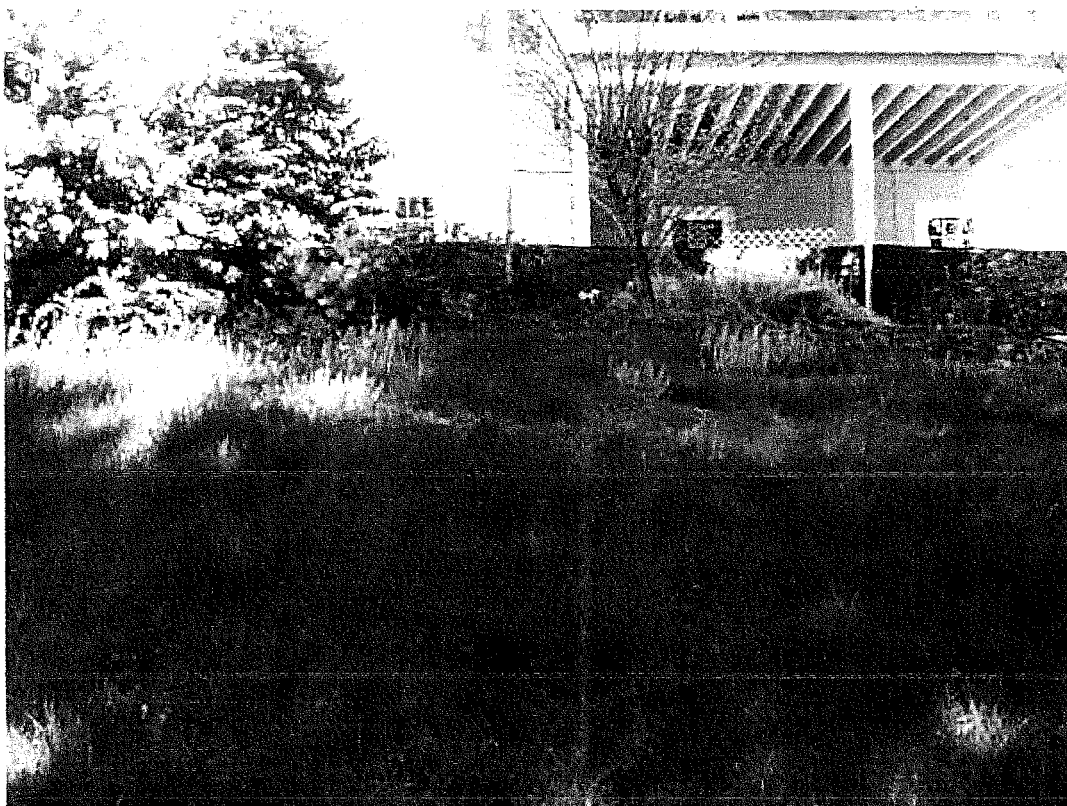
4/9/12

Abutting property facing
North from rear of lot.

RECEIVED
Department of Planning & Zoning

APR 13 2012

Zoning Evaluation Division



4/9/12

Back of house facing
~~west~~ from rear of lot.
East

RECEIVED
Department of Planning & Zoning

APR 13 2012

Zoning Evaluation Division



4/9/12

Back of house facing
East from rear of lot.

RECEIVED
Department of Planning & Zoning

APR 13 2012

Zoning Evaluation Division



4/9/12

Abutting properties facing
West from center-rear of lot.

RECEIVED
Department of Planning & Zoning

APR 13 2012

Zoning Evaluation Division



4/9/12

A butting property facing
west from rear of lot.

RECEIVED
Department of Planning & Zoning

APR 13 2012

Zoning Evaluation Division



4/9/12

Abutting property facing
South from rear of lot.

RECEIVED
Department of Planning & Zoning

APR 13 2012

Zoning Evaluation Division



3/21/12

Front of house facing West.

DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit an accessory dwelling unit in the basement of a new dwelling.

Size of Principal Dwelling: 4,500 square feet

Size of Accessory Dwelling Unit: 1,200 square feet or 27%

Lot Size: 10,545 square feet

LOCATION AND CHARACTER OF THE AREA**Existing Site Description**

The subject property measures 10,545 square feet in area and is zoned R-3. There is a new two-story frame, single family detached dwelling under construction on the site. A driveway is proposed in the front to terminate at a two-car garage, and a walkway will connect from the driveway to the front porch. At the rear of the house, a covered porch off the first floor will connect via stairs to a patio on the ground floor. Around the rear yard, there is an existing mix of chain link and wood fencing between 3.8 to 6 feet in height. There are existing mature trees on the site in the rear yard as well as shrubs in the front yard. The applicant states that a vegetative buffer including 10 trees and 40 shrubs will also be planted along the rear property line.

Surrounding Area Description

Direction	Use	Zoning
North	Single Family Detached Dwelling	R-3
South	Single Family Detached Dwelling	R-3
East	Single Family Detached Dwelling	R-3
West	Single Family Detached Dwelling	R-3

BACKGROUND

There was a single family detached dwelling on the site, which was demolished in early 2012. A permit was issued in January 2012 for a new single family detached dwelling with a covered rear porch, finished basement with bedroom and wet bar, but no second kitchen. Copies of the permit, floor plans and elevations are attached as Appendix 4. There are no violations on the site.

Records indicate there have been no applications for accessory dwelling units in the vicinity of the application site.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Plat, Lot 20, Section Three, Devon Park

Prepared By: LS 2 PC / Land Surveying & Civil Engineering

Dated: March 27, 2012 as revised and sealed through April 11, 2012

Proposed Use:

The applicant proposes an accessory dwelling unit in the basement of the new single family detached dwelling. The unit will be constructed with a kitchen, bathroom, bedroom and living area/recreation room, and a separate laundry and storage area for the use of the unit's occupant will be located next to the accessory dwelling unit. The dwelling unit will be accessed inside the house and also through a separate entrance via a patio at the rear of the house. There are windows proposed in the kitchen, bedroom, bathroom and living area. The accessory dwelling unit, including the laundry and storage area, measures approximately 1,200 square feet (or 27%) of the principal dwelling's 4,500 square feet. The occupants of the accessory dwelling unit will be related to the property owners and will be over the age of 55 years old.

Trade permits and final inspection for the electrical, gas and plumbing components of the house have been completed at the time of the report's publication. However, the building permit notes that no second kitchen is permitted, and staff believes that trade permits and final inspections of all components in the accessory dwelling unit should be obtained if this application is approved. Therefore, a development condition has been included to address this concern.

ZONING ORDINANCE PROVISIONS

Special Permit Requirements (See Appendix 5)

- * General Special Permit Standards (Sect. 8-006)
- * Group Standards for All Group 9 Uses (Sect. 8-903)
- * Additional Standards for Accessory Dwelling Units (Sect. 8-918)

Summary of Zoning Ordinance Provisions

This special permit is subject to Sects. 8-006, 8-903 and 8-918 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

CONCLUSIONS AND RECOMMENDATIONS

Staff believes that all applicable standards for the accessory dwelling unit as outlined in Sects. 8-006, 8-903 and 8-918 will be satisfied with adoption of the proposed development conditions. Therefore staff recommends approval of SP 2012-DR-019 subject to the Proposed Development Conditions contained in Appendix 1 of this staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Copy of Permit # 112760040 and Proposed Elevations and Floor Plans
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2012-DR-019****July 4, 2012**

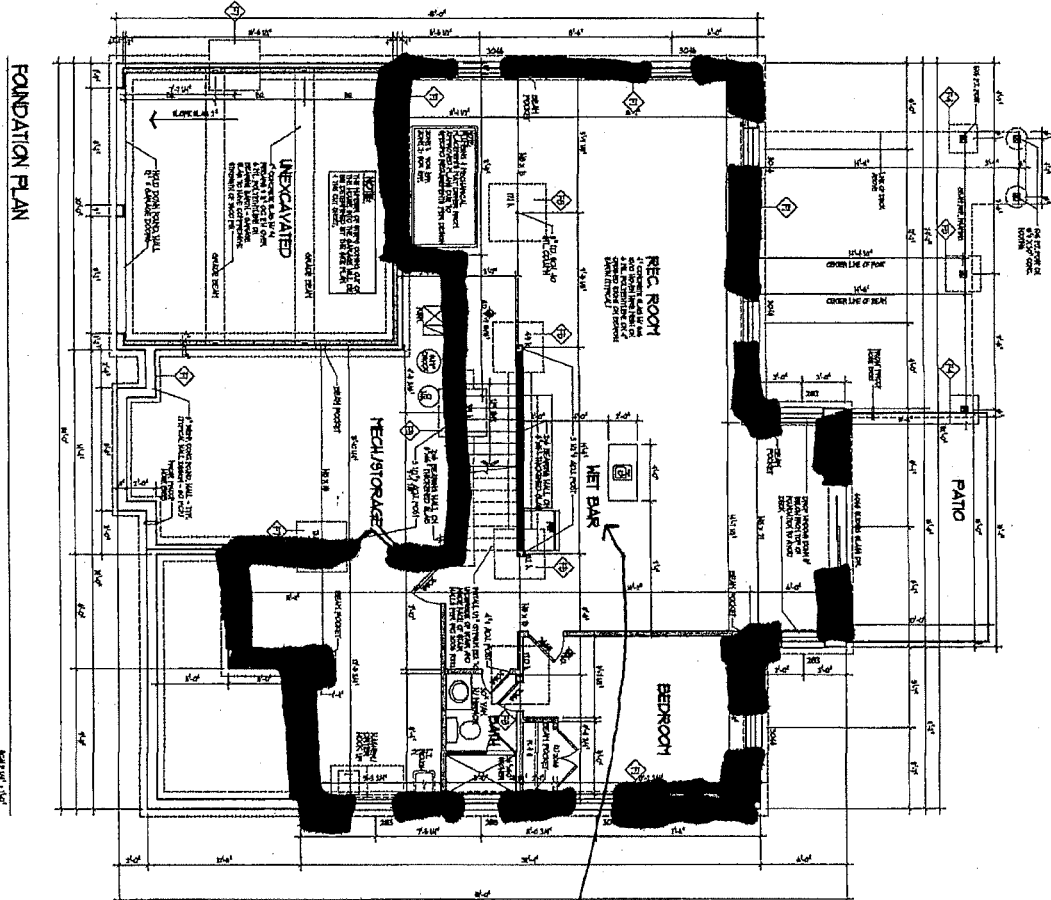
If it is the intent of the Board of Zoning Appeals to approve SP 2012-DR-019 located at Tax Map 30-4 ((24)) 20 to permit an accessory dwelling unit under Section 8-918 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of the building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant/owners only, Stephen and Cristina Cole, and is not transferable without further action of this Board, and is for the location indicated on the application, 1814 Opalocka Drive (10,545 square feet), and is not transferable to other land.
3. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
5. The accessory dwelling unit shall contain a maximum of 1,200 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
6. All applicable trade permits and final inspections shall be obtained for all components in the accessory dwelling unit.
7. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice, and the accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.

8. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
9. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
10. All parking shall be provided on site as shown on the special permit plat.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



FOUNDATION PLAN

SCALE: 1/8" = 1'-0"

STANDARD ROOMING SIZES	
1	8'00" PSE. 12'00" PSE. OR 12'00"
2	12'00" CONC. 8'00" CONC.
3	12'00" CONC. 8'00" CONC.
4	12'00" CONC. 8'00" CONC.
5	12'00" CONC. 8'00" CONC.
6	12'00" CONC. 8'00" CONC.
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98	12'00" CONC. 8'00" CONC.
99	12'00" CONC. 8'00" CONC.
100	12'00" CONC. 8'00" CONC.

Kitchen

Accessory Dwelling
~ 1200 sq. ft.

GENERAL NOTE:
1. ALL ROOMS SHOWN ARE BASED ON 12'00" WALLS. THE SHOWN
DIMENSIONS FOR WALL THICKNESS ARE APPROXIMATE.

5

COLE RESIDENCE
FAIRFAX COUNTY
VIENNA MODEL

NDI NEW DIMENSIONS INC.
AFFORDABLE CUSTOM HOMES

10627 GASKINS WAY
SUITE 201
MANASSAS, VA 20108
PHONE: 703-361-1805

RDC
Real Estate Development Group

720 Johnson Street, Suite 200 - Tyngsboro, MA 01864
(508) 888-4411 (FAX) (508) 888-4412 FAX

DATE: 05/25/02

REVISIONS:
1. 05/25/02
2. 06/05/02
3. 06/05/02

Application No.(s): SP 2012-DR-019
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/10/12
 (enter date affidavit is notarized)

I, Stephen Cole, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

115071

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Stephen P. Cole	1814 Opalocka Drive McLean, VA 22101	Owner
Cristine M. Cole	1814 Opalocka Drive McLean, VA 22101	Owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s):

SP 2012-DR-019
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/10/12
(enter date affidavit is notarized)

115071

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2012-OR-019

(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

2/10/12

(enter date affidavit is notarized)

115071

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

N/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SP 2012-PR-019
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/10/12
(enter date affidavit is notarized)

115071

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

None

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

SP 2012-OR-019

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

2/10/12

(enter date affidavit is notarized)

115701

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on line below.)

None

(**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

Stephen Cole

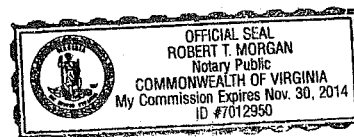
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 10th day of FEB 2012, in the State/Comm. of VIRGINIA, County/City of Alexandria.

My commission expires:

Nov 30th 2014

Notary Public



RECEIVED
Department of Planning & Zoning

FEB 14 2012

Zoning Evaluation Division

Stephen & Cristine Cole
1814 Opalocka Drive
McLean, VA 22101

February 10, 2012

Zoning Evaluation Division
Fairfax County
Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Re: Special Permit Statement of Justification for Accessory Dwelling for Parents

Dear Sir/Madame:

Please accept this application for Special Accessory Dwelling for 1814 Opalocka Drive, McLean, VA 22101. This property is a new house already under construction that has previously been issued a building permit (copy of which is attached to this application). The approved and issued building permit already includes a finished basement with bedroom, bathroom, and wet bar. There is no additional construction or land disturbance pursuant to this application. We simply would like to add a range/oven and cabinets (2nd Kitchen) into this finished basement for use by the parents of Stephen Cole.

The finished basement/accessory dwelling will be occupied by the parents of Stephen Cole. John Cole (born September 25, 1932) and Katheryn Cole (born April 26, 1936) will be the sole occupants of this accessory dwelling and the dwelling will not be used as a rental unit. Stephen and Cristine Cole are the sole owners of the house and will also be the occupants along with their three children.

The reason for building the house was to accommodate my immediate family as well as provide an independent living area for my aging parents. The basement is daylight/walk-out and will allow them to live independently (extremely important to them) while being close to family. This was our intention all along for this house (as evidenced by the bedroom, bathroom, and wet bar on the approved building permit), and our apologies that the builder did not specifically state 2nd Kitchen on the original building permit. This was most likely due to the fact that we are adding the basement appliances (including the range/oven) upon completion of construction and not through the builder (NDI).

We meet all the Fairfax County requirements for Special Accessory Dwelling. Stephen and Cristine Cole are the owners and occupants of the single-structure, single-family dwelling. John and Katheryn Cole are the parents of Stephen Cole, will be the sole

occupants of the Accessory Dwelling, and meet the age requirements. There is no additional construction or land disturbance as part of this application. The Accessory Dwelling will be approximately 1,200 finished Sq.Ft. out of an overall 4,500 finished Sq.Ft. (27%) which is less than 35% allowed and will contain only one (1) bedroom. The Accessory Dwelling has multiple egress points and meets safety/sanitation requirements. In essence, we are looking to add a range/oven and cabinets into an already approved finished basement in order for my parents to have an independent living area

Please do not hesitate to contact me with any questions at 703-597-4016 or by email at sevecole@gmail.com. As well, I have sat with Brenda Cho in your division in preparing this application. Accordingly, we are submitting the plats, floor plan, elevations, approved grading plan, and copy of the already issued building permit. The other pieces of the application are not applicable as this application does not require any additional construction or land disturbance.

Sincerely,

A handwritten signature in black ink that reads "Stephen Cole". The signature is written in a cursive, flowing style.

Stephen Cole

Bldg Permit #:

112760040

NEW SINGLE FAMILY DWELLING

Address: 1814 Opalocka Dr Mc Lean VA 22101-5445

Bldg: N/A Floor: Suite: N/A

Subdiv: Devon Park Lt 20 Sec 3

Sub Census: 708.02 Lot Size: 10,545.00

Tax Map: 0304 24 0020

Owner: Cole Stephen P

Phone Day: (703)597-4016 x

Evening:

Contractor:

NEW DIMENSIONS INC
10687 Gaskins Way
Suite 201
Manassas, Va 20109-0000
(703) 361-1605

Type of Work:

NEW SINGLE FAMILY DWELLING

Description of Work:

build new sfd with covered rear porch, finished basement with bedroom and wetbar, no 2nd kitchen

ZPRB Review:

Date

Status

1/9/12

AM00R4

Approved

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Use	Height	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback
R-3	N	SFD	31.70	Y	N	N	N	Y

Yard/Setbacks:

Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear
	31.00	0.00	0.00	18.70	14.00	33.60

DETAILS COMMENTS:

build new sfd with covered rear porch fin basement with wetbar & bedroom no 2nd kitchen per approved palm on file 25265-inf-002-1 height certified at 31.72' demo permit approved 9-16-11 # 112570238 needs setback cert for front and right side lot line

ZONING ORDINANCE PROVISIONS

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for all Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.

2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-918 Additional Standards for Accessory Dwelling Units

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.

3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:

A. One of the dwelling units shall be owner occupied.

B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:

(1) Any person fifty-five (55) years of age or over and/or

(2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such

person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:

(1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.

(2) A group of not more than four (4) persons not necessarily related by blood or marriage.

6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:

A. Uninterrupted access to one (1) entrance; and

B. Accessibility and usability of one (1) toilet room.

7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.

8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.

9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.

10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.

11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.

12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.

13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.